



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



JENNIFER M. GRANHOLM
GOVERNOR

MICHAEL P. FLANAGAN
SUPERINTENDENT OF
PUBLIC INSTRUCTION

June 2006

TO: Local and Intermediate School District Superintendents and Public School Academy Directors

FROM: Carol L. Wolenberg, *CW* Deputy Superintendent

SUBJECT: School Safety Zone Guidance for Michigan Schools and the Protection of Michigan Students from Contact with Convicted Sex Offenders

The following resources and information are intended to support Michigan schools' safety plans related to the "1,000 foot school safety zone". On January 1, 2006, Michigan passed legislation to update the law intended to protect Michigan school children through a safety zone created to keep offenders away from school children. The state organization most able to respond to a school's request for legal information is the Michigan State Police Criminal Justice Information Center. Contact information for this unit is listed in the Michigan State Police presentation included with this letter.

Changes in the law strengthen previous legislation by including recreational and athletic facilities. While not instructional sites, they now are locations within the safety zone. The law distinguishes between those offenders convicted before January 1, 2006, and those convicted after that date. Individuals released after January 1, 2006 must comply with the law related to their work address, their residence, and their contact with children.

School personnel may access the school safety zone law at www.michigan.gov/schoollaw. Select "student safety zones" under the category "school safety".

School personnel are encouraged to develop, monitor, and review safety plans. Consider the following activities to protect Michigan students:

1. Assure staff members are aware of and understand the school safety zone.
2. Identify a staff person to regularly check the sex offender registry for offenders residing in the school neighborhood. The registry web address is <http://www.mipsor.state.mi.us/>.

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3. Maintain positive relationships with local law enforcement, including the county prosecutor's office. If the district has a school liaison officer(s), coordinate with the officer(s) to effectively address the school safety zone requirements.
4. Highlight the significance of the reciprocal quality of staff relationships with law enforcement. Law enforcement may be able to assist in the risk assessment of a new or current sex offender residing in the community. Conversely, staff can alert law enforcement in the event that a sex offender has entered the school safety zone and/or the school community.

In terms of any sex offender living within district boundaries, risk of contact with school children will vary according to the circumstances of the offender's crime. Features that can assist schools, with which law enforcement are familiar and have knowledge, include the significance of:

- the discrepancy between the offender and victim's age,
 - the type of crime with which the offender was originally charged,
 - the type of relationship between the offender and victim,
 - the existence/severity of violence associated with the crime, and/or
 - other involvement with law enforcement and the court system.
5. Update crisis management plans to assure the crisis team has developed materials related to parent notification, media relations, reports to law enforcement, and staff/student counseling and support.
 6. Involve parents and children in an educational, prevention effort to reinforce personal safety. While the term 'stranger danger' was a popular concept in the past, current research recommends children receive personal safety instruction about inappropriate, disturbing, or dangerous behavior. Most victims are assaulted by someone with whom they are familiar.
 7. Consider asking for law enforcement assistance regarding identified juvenile sex offenders within the district and school safety zones.
 8. Employ a comprehensive plan which includes other non-legislative aspects of school safety: the broader child protection issues such as safe walking routes and bus stops in the community, parent communication, district volunteer and employment screening practices, and public relations.

The following questions not addressed in the law may be useful to consider in developing a comprehensive plan:

1. While the law includes off-site locations such as athletic facilities, do plans include other off-site programs such as school-sponsored early childhood settings?

2. While the law primarily addresses adult sex offenders, do plans protect students from juvenile sex offenders? Since schools already educate juvenile sex offenders, do plans assess the risk of serving these juveniles within the school environment?
3. If a convicted sex offender also is a parent, can this parent enter the school safety zone to attend parent/school events?
4. If the sex offender's place of work is outside of the zone but involves an offender's travel through a school safety zone, i.e., delivery or maintenance work, how should a school respond?

As previously noted, answers to these questions may be found through consultation with the local office of the prosecuting attorney, any district employed school liaison officer(s), and/or other school law or law enforcement contacts.

We hope that this guidance and resource information is helpful. The following resource materials have been posted on Michigan Department of Education's Michigan Safe Schools website at www.michigan.gov/safeschools:

- Michigan State Police PowerPoint on School Safety Zones
- Best Practice Recommendations for School-Based Planning to Prevent Child Sexual Abuse

If you have questions or need additional information, please contact Leisa Gallagher, Safe Schools Consultant, by phone at (517) 241-2293 or via email at gallagherl@michigan.gov.



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Best Practices in School-Based Child Protection and School Safety Zones

March 2006

Safe Walking Routes

Ask staff to consider, *Safe Routes to School - A How-To Handbook for Making it Safe and Fun to Walk and Bike to School*. This initiative suggests participating schools to form a local team consisting of school administrators, teachers, parents, student leaders, law enforcement officers, and other community members who are interested in children's health and safety. These teams work together to assess attitudes and behaviors of parents and students, analyze the safety of the environment leading to the school and research related policies. The teams then formulate recommendations and create an action plan for making improvements. The manual can be found at <http://saferoutesmichigan.drum-server.com/>.

A Safe Place to Go

Your local law enforcement may have initiated a watch program. The Community Child Watch program enlists citizens to post a sign with an icon of an eye in their window. This 'watchful eye' offers a safe place for children to go (<http://www.michiganchildwatch.com/>). The Neighborhood Watch asks adults to look for suspicious activity in the neighborhood (<http://www.nnwi.org/>).

NOTE: Parents will still want to have a plan in the event that the "Child Watch Neighbor" isn't home at the time the child would like to visit.

Watching Over Bus Stops

As bus stops are outside of any school safety zone, a school might ask for adults to supervise bus stops as students' transition on and off the bus. This supervision might be particularly helpful in the event that a sex offender's residence is within the vicinity of a particular bus stop.

Choosing and Implementing Personal Safety Lessons

Review any personal safety lessons taught in the district and assess whether the lessons emphasize inappropriate, disturbing, and/or destructive behavior exhibited by someone with whom the child is familiar rather than lessons taking a "stranger danger" approach. Review lessons to assure that the prevention of sexual abuse is covered. In addition, look at the scope and sequence of instruction:

- Consider whether the prevention education occurs at every grade level.

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- Consider whether students are receiving developmentally-appropriate prevention education.
- In the event that a sex offender does reside within the neighborhood, consider changing the timetable for lesson instruction. For example, if the discovery of an offender occurs in the fall, move the instruction to occur earlier in the school year.

As an example, the *Michigan Model for Comprehensive School Health Education* provides lessons on the prevention of sexual abuse at the elementary, middle, and high school levels (<http://www.emc.cmich.edu/mm/default.htm>).

Parent Alerts

With the assistance of local law enforcement, districts may want to develop a risk assessment process to proactively determine when and under what circumstances the school informs parents about a sex offender in the area. Law enforcement can assist in the determination of the elements of a parent notification letter. These strategies can then become institutionalized into the district's school safety plan.

Staff Training

Adults often fail to recognize a child's quiet or indirect disclosure of inappropriate sexual contact because of the difficulty facing the reality of sexual abuse. A district may wish to provide staff training on:

- the prevalence, signs, and symptoms of child trauma,
- child expressions of a traumatic event,
- effective listening during a child's disclosure, and/or
- helpful responses to a disclosure.

This training may reduce the likelihood of school personnel's failure to identify and/or respond to child's report of sexual abuse.

Look for training materials which are written for schools and classroom teachers. Local child abuse prevention council staff can assist in this training. As an example, the book, *Right On Course*, published through Civitas (www.civitas.org), offers ways to identify trauma as well as guidance to respond to a child experiencing trauma.



Michigan Sex Offender Registration
Legal Updates
January 1, 2006



Michigan State Police

Michigan State Police
Criminal Justice Information Center
ATTN: MSP SOR Unit
7150 Harris Drive
Lansing MI 48913

TX (517) 322-4939
(517) 322-4938
(517) 322-5098

FAX (517) 322-4957
(517) 322-5232



Michigan State Police

Charlotte A. Kilvington
MSP Sex Offender Registration Senior Analyst
marshalc@michigan.gov

Karen M. Johnson
MSP Sex Offender Registration Analyst
johnsonkm@michigan.gov

Melissa A. Marinoff
MSP Sex Offender Registration Technician
marinofm@michigan.gov



Michigan State Police

Public Act 295 of 1994

Michigan Sex Offender Registration Act

CHANGES

effective January 1, 2006



Michigan State Police

CHANGE OF ADDRESS

Offenders have ten days to update their address with law enforcement if the offender changes residence or VACATES residence effective January 1, 2006.

Changing address is moving from one residence to another residence

Vacating address is moving out of a residence

Failure to update address with law enforcement within ten days of changing or vacating residence is a **FELONY** offense




Michigan State Police

New Penalties for Failure to Verify Address

Penalties for failure to verify address either annually or quarterly for registered sex offenders have been increased effective January 1, 2006.

No prior conviction	93-day misdemeanor and/or \$1000 fine
One prior conviction	One-year misdemeanor and/or \$2000 fine
Two or more prior convictions	Four-year felony and/or \$2500 fine



Michigan State Police

REMINDER

Address Verifications

Convicted of Misdemeanor listed offenses
(DOES NOT INCLUDE CRIMINAL SEXUAL CONDUCT FOURTH DEGREE)


January 1-15 in person

Current Michigan Operator's License or Personal ID card

Address must be correct and include apartment number, lot number, or room number if applicable.

NO PO Box addresses

Incarcerated offenders are excused until release



Michigan State Police

REMINDER

Address Verifications

Convicted of Felony listed offenses
(INCLUDES CRIMINAL SEXUAL CONDUCT FOURTH DEGREE)


January 1-15, April 1-15, July 1-15, October 1-15 in person

Current Michigan Operator's License or Personal ID card

Address must be correct and include apartment number, lot number, or room number if applicable.

NO PO Box addresses

Incarcerated offenders are excused until released




Michigan State Police

New Definitions for Student Safety Zones

Loiter: to remain for a period of time and under circumstances that a reasonable person would determine is for the primary purpose of observing or contacting minors.

Minor: an individual less than 18 years of age




Michigan State Police

New Definitions for Student Safety Zones

School Property: A building, facility, structure, or real property owned, leased, or otherwise controlled by a school other than a building, facility, structure, or real property that is no longer in use on a permanent or continuous basis to which either of the following applies:

- /Used to impart educational instruction
- /For use by students not more than 19 years of age for sports or other recreational activities




Michigan State Police

New Definitions for Student Safety Zones

School: public, private, denominational, or parochial school offering developmental kindergarten, kindergarten, or any grade 1 through 12. School does not include home school

Student Safety Zone: the area that lies 1,000 feet or less from school property.




Michigan State Police

Working or Loitering in Student Safety Zones and Penalties

Registered sex offenders may not work or loiter within a student safety zone effective January 1, 2006.

There are some exceptions that do apply to the new mandate.



Michigan State Police


Working or Loitering in Student Safety Zones and Penalties

DOES NOT APPLY to offenders already working within a student safety zone prior to January 1, 2006.

DOES NOT APPLY if the school is relocated or initially established within 1,000 feet of offender's place of employment after January 1, 2006.

DOES NOT APPLY to offenders who sporadically or intermittently enter a student safety zone for the purpose of work before or after January 1, 2006.

HOWEVER, offenders may not initiate or maintain contact with minors in the safety zone.




Michigan State Police

Working or Loitering in Student Safety Zones and Penalties

DOES NOT APPLY to offenders who have successfully completed their probation from the Holmes Youthful Trainee Status (HYTA) and have been discharged from HYTA.

DOES NOT APPLY to offenders convicted of MCL 750.520E1A-A Criminal Sexual Conduct Fourth Degree who at the time of the offense was 17 years of age or older but less than 21 years of age AND who is not more than five years older than the victim




Michigan State Police

Working or Loitering in Student Safety Zones and Penalties

DOES NOT APPLY to offenders who adjudicated as juveniles under MCL 750.520B1A, 750.520C1A, or 750.520D1A OR charged with any of the above but pled to MCL 750.520G AND EITHER of the following apply:

- ✓ Offender was under age 13 when the offense was committed AND is no more than five years older than the victim
- ✓ Offender was 13 years or older but less than 17 years of age when the offense was committed AND is no more than three years older than the victim.




Michigan State Police

Working or Loitering in Student Safety Zones and Penalties

ALL REGISTERED SEX OFFENDERS CONVICTED PRIOR TO JANUARY 1, 2006, AND still work or loiter within a student safety zone:

MAY NOT initiate or maintain contact with minors in the safety zone if they are one of the listed exceptions to the new law.




Michigan State Police

Working or Loitering in Student Safety Zones and Penalties

Penalties for working or loitering in a safety zone:

First Violation	One-year misdemeanor and/or \$1000 fine
Second Violation	Two-year felony and/or \$2000 fine




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Residing in School Safety Zones and Penalties

Registered sex offenders may not reside in a student safety zone effective January 1, 2006.

There are some exceptions that do apply to the new mandate




Michigan State Police

Residing in School Safety Zones and Penalties

DOES NOT APPLY to offenders already residing within a student safety zone prior to January 1, 2006

DOES NOT APPLY to offenders who are patients in a hospital or hospice located in a safety zone

DOES NOT APPLY to offenders who are inmates of prisons or jails, juvenile facilities, or other correctional facilities or is a patient of a mental health facility under an order of commitment




Michigan State Police

Residing in School Safety Zones and Penalties

NEWLY CONVICTED SEX OFFENDERS after January 1, 2006 shall change their residence to location outside the safety zone within 90-days after they are sentenced

HOWEVER, offenders may not initiate or maintain contact with minors in the safety zone during the 90-day transition




Michigan State Police

Residing in School Safety Zones and Penalties

DOES NOT APPLY to offenders who have successfully completed their probation from the Holmes Youthful Trainee Status (HYTA) and have been discharged from HYTA

DOES NOT APPLY to offenders convicted of MCL 750.520E1A-A Criminal Sexual Conduct Fourth Degree who at the time of the offense was 17 years of age or older but less than 21 years of age AND who is not more than five years older than the victim.




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Residing in School Safety Zones and Penalties

DOES NOT APPLY to offenders who adjudicated as juveniles under MCL 750.520B1A, 750.520C1A, or 750.520D1A OR charged with any of the above but pled to MCL 750.520G AND EITHER of the following apply:

Offender was under age 13 when the offense was committed AND is no more than five years older than the victim

Offender was 13 years or older but less than 17 years of age when the offense was committed AND is no more than three years older than the victim




Michigan State Police

Residing in School Safety Zones and Penalties

DOES NOT APPLY to offenders not more than 19 years of age AND attends a secondary or post-secondary school AND resides with parents or guardians

DOES NOT APPLY to offenders not more than 26 years old AND Attends a special education program AND resides with parents or guardians OR resides in an assisted living or group home.




Michigan State Police

Residing in School Safety Zones and Penalties

ALL REGISTERED SEX OFFENDERS CONVICTED PRIOR TO JANUARY 1, 2006, AND still reside within a student safety zone:


MAY NOT initiate or maintain contact with minors in the safety zone if they are one of the listed exceptions to the new law.

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Residing in School Safety Zones and Penalties


Penalties:

First Violation	One-year misdemeanor and/or \$1000 fine
Second Violation	Two-year felony and/or \$2000 fine


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If an offender is convicted of more than one listed offense, he may be ineligible for the exemptions listed under Section 28.736.

You should contact your local prosecutor for assistance.


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Test your knowledge of the new legal updates effective January 1, 2006
Michigan SOR




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ANSWERS ARE IN RED




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- What is the length of time a registered sex offender has to update his address if it changes?
 - A. Three days
 - B. Five days
 - C. **Ten days**
 - D. One month
- What is the length of time a registered sex offender has to notify law enforcement if he vacates his residence?
 - A. Three days
 - B. Five days
 - C. **Ten days**
 - D. One month

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- Failure to change address is a:
 - A. 90-day misdemeanor
 - B. 93-day misdemeanor
 - C. **Felony**
 - D. Mandated sex offender registration training
- How many times a year must a registered sex offender convicted of MCL 750.520E Criminal Sexual Conduct Fourth Degree, and/or attempt or conspiracy, verify his address?
 - A. Never
 - B. Annually
 - C. **Quarterly**
 - D. Only on his birthday


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5. Offenders who verify their address may do so where?

- A. Via fax
- B. Via email
- C. Via postcard only at MSP
- D. At their local police department Sheriff's Department, or nearest State Police Post in person.

6. An offender has no prior convictions for failure to verify. He misses one verification period in October 2005. What is the penalty?

- A. 90-day misdemeanor
- B. 93-day misdemeanor
- C. Two-year high court misdemeanor
- D. 4-year felony


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7. An offender has one prior conviction for failure to verify. He misses another verification period after January 1 2006. What is the penalty?

- A. 90-day misdemeanor
- B. 93-day misdemeanor
- C. One-year misdemeanor
- D. 4-year felony

8. An offender has two prior convictions for failure to verify. He misses another verification period after January 1 2006. What is the penalty?

- A. 90-day misdemeanor
- B. 93-day misdemeanor
- C. One-year misdemeanor
- D. 4-year felony


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9. An offender has no prior convictions for failure to verify. He has signed a DD-4A "Explanation of Duties to Register as a Sex Offender". He is required to verify quarterly. He has not verified for two years. Today is November 30, 2005. How many counts can he be charged with and what is the penalty?

- A. One count as a 93-day misdemeanor
- B. One count as a 4-year felony
- C. Eight counts as a 93-day misdemeanor for each count
- D. Nothing as he said he forgot he had to check in quarterly

10. A student safety zone is defined as:

- A. the area that lies within 500 feet of school property
- B. the area that lies within one mile of school property
- C. the area that lies within walking distance of school property
- D. the area that lies within 1,000 feet of school property


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11. A minor is defined as:

- A. an individual less than 18 years of age
- B. an individual 18 years old or younger
- C. an individual who does not have a driver's license
- D. an individual over the age of 18

12. Choose the following area that would qualify as a student safety zone:

- A. the local mall
- B. the local gas station
- C. hospital
- D. High School football stadium and field


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13. Choose the following area that **WOULD NOT** qualify as a student safety zone:

- A. Elementary school playground
- B. School library
- C. Local mall
- D. Middle school soccer field

14. A sex offender convicted of more than one listed offense does not qualify for any of the student safety zone exemptions unless they fall under one of the specific exemptions under 28.734 or 28.735. True or False

15. A sex offender who is currently living across the street from the High School on December 9, 2005, is required to move from that residence by January 1, 2006. True or False

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16. A sex offender can get employment as a middle school basketball coach in February 2006 as long as he is in therapy. True or False

17. All juveniles are exempt from student safety zone mandates. True or False

18. Offenders convicted after January 1, 2006 can live within a student safety zone are required to find new housing within 90-days of sentencing. True or False

19. Offenders who are living within 1,000 feet of school property who are registered prior to January 1, 2006 may still continue to live in the safety zone and may continue to talk with the 8-years olds at the school playground. True or False

20. An offender is 24 years old and attends the Special Education program at the local intermediate school district. He is living at an assisted living group home for disable adults. After January 1, 2006, he is no longer able to attend that particular school due to the law change. True or False



Thank You